

REMARKS

Claim 5 has been amended to include the limitations previously recited in claim 11. Claim 11 has also been cancelled from the application without prejudice or disclaimer. Thus, claims 1-5, 12, 15, 17-25 and 28 remain pending. Entry of this Amendment is respectfully requested as it places the application in better condition for appeal.

PROSECUTION RE-OPENED

Although the prior final rejection was appealed, the Examiner re-opened prosecution to reject claims 5 and 11 on a different basis. This is, however, the second time prosecution has been re-opened. Such piecemeal examination is to be avoided as per MPEP. Furthermore, if prosecution is re-opened, the next Office Action should be non-final; therefore, it is believed that the finality of the Office Action is premature and should be withdrawn.

PATENTABILITY OF THE CLAIMS

As detailed in the Pre-Appeal Brief submitted concurrently herewith, it is submitted that claims 5, 11, 12, 15, 17-25 and 28 are patentably distinct from the cited references. Reconsideration of the application and an early Notice of Allowance are earnestly solicited.

Applicants hereby petition for an extension of time which may be required to maintain the pendency of this case, and any required fee for such extension or any further fee required in connection with the filing of this Amendment is to be charged to Deposit Account No. 504298 (Order No. 1801-P001).

Respectfully submitted,

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